

REMARKS

Consideration an entry of this paper, and reconsideration and withdrawal of the rejections of the pending claims are respectfully requested in view of the amendments and remarks herein, which place the application in condition for allowance, or in better condition for appeal.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-44, 47 and 49 were pending in this application.

The Examiner is thanked for indicating that the previous rejection of the claims over Woldhuis in view of Van Der Graaf has been withdrawn for the reasons argued by the Applicants.

The issues raised by the Examiner in the Office Action are addressed below in the order they appear in the prior Action.

II. THE 35 U.S.C. § 103 REJECTIONS ARE OVERCOME

Claims 1-44, 47 and 49 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Loh (US 7,226,630) in view of Gaonkar (US 7,229,654). Applicants respectfully disagree with the Office Action.

Applicants direct the Examiner to the Response filed on May 7, 2008, which enclosed a Declaration under 37 C.F.R. § 1.131 indicating that the instant invention was conceived and reduced to practice in the United Kingdom prior to November 26, 2002, the effective filing date for both Loh and Gaonkar. Submitted in support of the Declaration was a Technical Report authored by one of the inventors of the present application, lab notebook pages, and a communication with the outside European Patent Attorney regarding the preparation of a patent application. The experiments described in the Technical Report (Exhibit C) at page 18 were performed in a GATT country, namely Denmark.

Thus, the present invention was conceived and reduced to practice prior to November 26, 2002. Accordingly, **neither Loh nor Gaonkar may stand as prior art under 35 U.S.C. § 103.**

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of this rejection.

REQUEST FOR INTERVIEW

If any issue remains as an impediment to further examination and/or allowance, an interview with the is respectfully requested, prior to issuance of any paper other than a Notice of Allowance; and, the Examiner is respectfully requested to contact the undersigned to arrange a mutually convenient time and manner for such an interview.

CONCLUSION

In view of the remarks and amendments herein and those of record, the application is in condition for allowance. Favorable reconsideration of the rejections of the application and prompt issuance of a Notice of Allowance, or an interview at a very early date with a view to placing the application in condition for allowance, are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date.

Respectfully submitted,

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